

105TH CONGRESS
1ST SESSION

H. CON. RES. 152

Expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1997

Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Mr. KING, Mr. MANTON, Mr. WALSH, Mr. KENNEDY of Massachusetts, Mr. McHUGH, Mr. PAYNE, Mr. SHAYS, Mr. HINCHEY, Mr. ANDREWS, and Mrs. KENNELLY of Connecticut) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of the Congress that all parties to the multiparty peace talks regarding Northern Ireland should condemn violence and fully integrate internationally recognized human rights standards and adequately address outstanding human rights violations as part of the peace process.

Whereas approximately 3,500 people have died and thousands more have been injured as a result of the political violence in Northern Ireland since 1969;

Whereas both Loyalist and Republican paramilitary organizations in Northern Ireland have carried out terrorist ac-

tivities, killing and permanently maiming innocent civilians and members of the security forces;

Whereas hundreds of people—more than half unarmed have been killed in Northern Ireland since 1969 by the use of lethal force by members of the British police and security forces, many in disputed and controversial circumstances;

Whereas the denial of human rights continue to be at the heart of the violence and the conflict in Northern Ireland;

Whereas the Department of State's Country Reports on Human Rights Practices for 1996 and numerous other reports released by international human rights organizations state that pervasive restrictions on due process of law remain in effect in Northern Ireland;

Whereas emergency legislation, namely the Northern Ireland Emergency Provisions Act and the Prevention of Terrorism Act, have provided the Royal Ulster Constabulary (RUC), Northern Ireland's police force, with sweeping powers to arrest and detain suspects, deny them access to counsel for at least 48 hours, and search their premises without a warrant;

Whereas Northern Ireland's Criminal Evidence Order and section 34 of the Criminal Justice and Public Order Act violate the rights not to be compelled to testify against oneself and the presumption of innocence which are enshrined in the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms to which the United Kingdom is party;

Whereas an unnecessary reliance on emergency powers and the absence of jury trials in Diplock courts has created significant problems in the judiciary in Northern Ireland,

including a dependency on confessions obtained through abusive police tactics, and the acceptance, at face value, of uncorroborated police statements, which have undermined the credibility of a significant number of convictions in Northern Ireland;

Whereas these Diplock courts have, among other abuses, inconsistently applied the controversial doctrine of common purpose, convicting people such as Sean Kelly and Michael Timmons on the premise that they should have anticipated the actions of others around them;

Whereas the United Nations Committee Against Torture and many human rights organizations have raised serious concerns about mistreatment of detainees in Northern Ireland where suspects arrested under emergency legislation are interrogated in special holding centers and where people such as William Bell are forced to sign confessions under duress;

Whereas in 1996 the European Court of Human Rights found that aspects of the detention regime in Northern Ireland violated the European Convention for the Protection of Human Rights;

Whereas in 1994 the European Committee for the Prevention of Torture concluded that “persons arrested in Northern Ireland under the Prevention of Terrorism Act run a significant risk of psychological forms of ill-treatment during their detention at the holding centres and that on occasion, resort may be had by detectives officers to forms of physical ill-treatment”;

Whereas the United Nations Human Rights Committee and the Independent Commissioner for Holding Centers have

recommended closing down the Castlereagh Interrogation Center;

Whereas the emergency laws have also led to widespread life threatening intimidation of defense attorneys and interference in the attorney-client relationship;

Whereas credible accusations persist that the RUC and other security units have harassed citizens and leaked names of solicitors and others to paramilitary groups;

Whereas the British authorities have failed to provide an effective means of independently investigating threats against solicitors and complaints of police harassment and abuse raised by citizens and solicitors;

Whereas the murder of Patrick Finucane, a leading defense and civil rights solicitor, is just one case in which the government has refused to release the findings of its inquiries and has ignored the call for independent public inquiry for the purposes of identifying responsible parties;

Whereas human rights organizations report that Loyalist and Republican terrorists in Northern Ireland have carried out “punishment attacks” against members of their own communities, killing some and causing serious head and body injuries to others by hanging people upside down, hammering them with iron pipes and nailed and spiked clubs, and driving metal spikes through knees and elbows;

Whereas punishment attacks by paramilitary groups are directed at young people 14 and older as a means to force obedience and coerce behavior, are often carried out against middle-aged persons in front of their spouses and

children, and at times harm people with no previous role in the conflict because of mistaken identity;

Whereas in contravention of internationally recognized standards and despite criticism by the United Nations Committee Against Torture and the European Parliament, the British Government uses plastic bullets only in Northern Ireland and in a way that appears sectarian;

Whereas 17 people, including several children, have been killed and several thousand wounded by the use of rubber or plastic bullets since 1969;

Whereas Catholic males are more than twice as likely as Protestant males to be unemployed, and a series of important proposals concerning employment equality await serious attention by the Government;

Whereas the 1985 Anglo-Irish Agreement, the 1993 Joint Declaration, and the 1995 Framework Document were signed by the British and Irish Governments as means to facilitate justice, peace, stability, and an end to violence in Northern Ireland;

Whereas the Framework Document strongly renounced violence, launched a new schedule for multi-party talks, and committed both the British and Irish Governments to the active pursuit of human rights measures;

Whereas the multi-party talks, attended by the representatives of the British and Irish Governments and representatives elected from the political parties and chaired by former United States Senator George Mitchell, which resumed on September 15, 1997;

Whereas the restoration of the Irish Republican Army ceasefire on July 20, 1997, has been declared “genuine” by the British Government, opening the talks to Sinn Féin,

the political party which had heretofore been excluded because of its refusal to denounce violence;

Whereas the objectives of the United States, which has contributed to the International Fund for Ireland, has always been to help facilitate a just and lasting peace based on a guarantee of human rights and fair employment opportunities for members on both sides of the conflict; and

Whereas, in our diverse Nation there are over 40,000,000 Americans who claim Irish Heritage and are concerned about civil rights issues in Northern Ireland: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) the Congress condemns the violence com-
4 mitted by paramilitary groups on both sides of the
5 conflict in Northern Ireland and, at times, by agents
6 of the British Government, as illegal, unjust, and in-
7 humane;

8 (2) the Congress commends and supports those
9 in the British and Irish Governments who are build-
10 ing on the accomplishments of the Anglo-Irish
11 Agreement, the Joint Declaration, and the Frame-
12 work Documents by bringing the various political
13 parties into the current negotiations and creating an
14 environment in which negotiations may be reached
15 expeditiously through inclusive talks;

16 (3) it is the sense of the Congress that—

1 (A) human rights abuses have been at the
2 heart of the conflict in Northern Ireland and
3 respect for human rights must now be at the
4 heart of the peace process;

5 (B) all participants at the multi-party
6 talks must rededicate themselves to restoring
7 civil rights and the respect for human rights in
8 Northern Ireland if a peace agreement is to
9 have lasting value;

10 (C) human rights should be protected for
11 all citizens in a society and any peace agree-
12 ment in Northern Ireland must recognize the
13 state's obligation to protect human rights in all
14 circumstances;

15 (D) the establishment of a bill of rights for
16 the people of Northern Ireland may advance
17 and strengthen the peace process;

18 (E) the multiparty negotiations should con-
19 sider the feasibility of establishing an independ-
20 ent "Truth Commission", with international
21 input, to look into outstanding cases of human
22 rights abuses committed by all sides of the con-
23 flict, giving special consideration to those who
24 have been unable to obtain full disclosure about
25 how their loved ones met their deaths;

1 (F) the British Government should initiate
2 a new independent inquiry, taking into account
3 information released this year, about the deaths
4 of civilians on “Bloody Sunday” as a means to
5 establish the truth about what happened that
6 day and give hope and foster reconciliation for
7 all those who grieve as a result of violence com-
8 mitted since 1969;

9 (G) the British Government should repeal
10 emergency legislation that limits internationally
11 recognized individual human rights;

12 (H) the British Government should estab-
13 lish a truly independent complaints mechanism
14 for the review of citizen inquiries regarding al-
15 leged abuses of the RUC and other security
16 forces;

17 (I) there should be a mechanism by which
18 all defense solicitors will have a vigorous inde-
19 pendent investigation of threats they receive
20 and those who report threats of violence should
21 be accorded effective protection; and

22 (J) plastic bullets should be withdrawn
23 from use in accordance with the recommenda-

- 1 tions of the European Parliament and many
- 2 other international and local bodies.

